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SUBJECT: UNSCR 1701: SYG BAN FORWARD-LEANING ON ARMS  
SMUGGLING AND INDEPENDENT ASSESSMENT MISSION TO LEBANESE  
BORDER

REF: A. STATE 43361  
[1](#)B. STATE 43312

[1](#)1. (SBU) Summary. During an April 5 closed briefing to the UN Security Council on his recent visit to Middle East and his March report on UNSCR 1701 implementation (other topics reported septel), UN SYG Ban Ki-Moon took a very forward-leaning approach on reports of arms smuggling into Lebanon and strongly defended his suggestion that the UNSC establish an independent mission to assess the monitoring of the Syrian-Lebanese border. Noting that he had raised possible violations of resolution 1701 and resolution 1747 with Lebanese PM Siniora and Syrian President Asad, the SYG insisted that the Council "must consider reports of breaches of the arms embargo." Ban said he had raised the fate of the two abducted IDF soldiers consistently during his trip and "did not hide (his) disappointment and lack of understanding" that no proof of life had yet been produced. He also called on Israel to cease overflights of Lebanon. On Sheba'a (Shab'a), all the SYG said was that the UN cartographer had made "good progress" in the past few months. While reiterating the UN's commitment to the establishment of the Special Tribunal, Ban emphasized that the responsibility to conclude the tribunal agreement rests with the Lebanese. He signaled his willingness to send UN Legal Counsel Nicolas Michel to participate in Nabih Berri-inspired meetings on the tribunal in Saudi Arabia if that would be useful.

[1](#)2. (SBU) Summary, cont'd. Ambassador Wolff expressed deep concern about illegal arms transfers across the Lebanese border, condemned Hizballah for openly admitting that it is violating resolution 1701, and called on Iran and Syria to comply with the arms embargo. He also made clear that the Secretariat's role on Sheba'a was not to revisit the Blue

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Line determination in 2000 or to determine the sovereignty of the disputed area. European UNSC delegations joined the P-3 in expressing concern about reports of illegal arms transfers into Lebanon, but Russian PR Churkin declared that reports of these "so-called" external arms transfers include "no reliable information" and are "not substantiated." South Africa and Indonesia also reacted skeptically to these reports. While most delegations welcomed the SYG's proposal to send an independent assessment mission to the Syrian-Lebanese border, Russia called the idea "premature" and argued that it "could exacerbate a very difficult situation in Lebanon." Most delegations did not mention the tribunal issue explicitly, but Russia and Qatar used the debate to send clear signals that the court should be created only through Lebanese constitutional means. China emphasized

that the Lebanese must resolve their own differences and urged the UNSC to be "very prudent" in this regard. Panama delivered a very unhelpful intervention on both the tribunal and the Sheba'a Farms issue. France introduced a draft UNSC Presidential Statement (PRST), prepared by the P-3, in response to the SYG's March report on UNSCR 1701 and called for UNSC experts to review the text on April 9. End Summary.

#### SYG Briefs on His Trip & UNSCR 1701

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13. (SBU) Recounting his recent visits to Israel and Lebanon, Ban said he was encouraged by the continuing commitment of the two governments to the implementation of resolution 1701. But there remain areas of concern. Ban said he had asked Israel to stop its overflights of Lebanon, which he characterized as a violation of Lebanese sovereignty and resolution 1701. Emphasizing that he had raised the issue of the abducted Israeli soldiers consistently throughout his trip, the SYG said he "did not hide my disappointment and lack of understanding" that no proof of life has thusfar been produced. In this context, Ban noted Israeli willingness to release certain Lebanese prisoners in exchange for return of the two IDF soldiers. On Sheba'a, all the SYG said was that the cartographer hired by the UN had made "good progress" in the past few months. Turning to UNIFIL's deployment, Ban saluted the "tremendous" efforts of UNIFIL blue helmet troops to change their area of operations for the better and appealed for more bilateral aid to the LAF to enable them to carry out their duties alongside UNIFIL.

#### Ban Forward-Leaning on Arms Smuggling and Independent Mission to Monitor Border

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14. (SBU) Ban took a very forward-leaning approach on reports of arms smuggling into Lebanon. Referring to Israeli intelligence on arms transfers as well as intelligence from

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"another member state," he expressed concern about possible breaches of resolution 1701 and resolution 1747 several times during his prepared remarks and in response to member state interventions, and said he had raised these concerns with both Lebanese PM Siniora and Syrian President Asad. The intelligence had he had seen had shown, among other things, a specific case of arms smuggling into Lebanon in January 2007.

In response to questions about the information's reliability, the SYG said that it should be "independently assessed" by experts and that he encouraged such efforts.

15. (SBU) Ban strongly defended his suggestion that the UNSC establish an independent mission to assess the monitoring of the Syrian-Lebanese border, despite Russian opposition. After the U.S. and France supported his proposal but Russia objected (see below), he took the floor again to thank the U.S. and France for their support and to express hope that the "Council will instruct me accordingly." If the Council agrees, he could soon undertake preparations "with the concerned parties" to launch the mission. After several more delegations spoke, Ban again thanked delegates for supporting his idea, insisted that the Council "must consider reports of breaches of the arms embargo," and noted that he awaits UNSC instructions on an assessment mission.

#### SYG Urges Lebanese Solution for Tribunal

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16. (SBU) While reiterating the UN's commitment to the establishment of the Special Tribunal for Lebanon, Ban emphasized that the responsibility to conclude the tribunal agreement rests with the "relevant Lebanese institutions." Halfway through the consultations, Ban told the Council that he had just been informed that Lebanese Speaker of Parliament Nabih Berri had called on Saudi Arabia to host Lebanese factions for a meeting to discuss the tribunal, among other

issues, and that Berri had invited the UN to make Legal Counsel Nicolas Michel available to assist. While cautioning that it was not yet clear whether the Berri initiative was a genuine effort to resolve the tribunal issue or it just an excuse for delay, the SYG said he was prepared to send Michel to such a meeting and/or committee if it would be useful. He also informed the Council that he had received a petition from 70 Lebanese members of parliament detailing how their efforts to establish the tribunal through constitutional means had been blocked. After receiving the memo, Ban had spoken to PM Siniora and "strongly urged him" to engage in dialogue to achieve national reconciliation.

#### P-3 Sound Similar Notes on UNSCR 1701

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¶17. (SBU) Drawing from ref A points, Ambassador Wolff expressed deep concern about cross-border arms transfers that are not authorized by either UNIFIL or the GOL, and singled out transfers to Hizballah -- as the initiator of last summer's war -- for particular scrutiny. He condemned statements by Hizballah SYG Nasrallah that the terrorist group is re-arming and operating in southern Lebanon as violations of resolution 1701. French PR de la Sabliere joined Ambassador Wolff in deploring Hizballah's failure to release the two abducted Israeli soldiers or even provide proof of life. France and the U.S. also both called on Iran and Syria to honor their obligations under the arms embargo in UNSCR 1701. Ambassador Wolff ended his remarks by calling on the Council to honor its commitment to help Lebanon protect itself against internal and external threats to its sovereignty and independence. In his statement, de la Sabliere also called on Israel to cease its overflights of Lebanon and to cooperate with the UN on unexploded ordnance in south Lebanon. UK PR Jones-Parry, speaking last because of his role as Council President for April, focused on strongly supporting the SYG's suggestion for an independent assessment mission to the Syrian-Lebanese border.

#### U.S. Lays Marker on Sheba'a

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¶18. (SBU) Reiterating that a solution to the Sheba'a Farms issue remains contingent upon the delineation of the entire border between Syria and Lebanon, Ambassador Wolff noted that the UNSC had authorized the Secretariat to review relevant material and develop an accurate territorial definition of the disputed area. But he made clear that the Secretariat's role was not to revisit the Blue Line determination in 2000 or to determine the sovereignty of Sheba'a. Proposals on the GOL seven-point plan also require careful consideration of

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the political and security needs of all parties. After welcoming the cartographer's progress on Sheba'a and expressing hope that the SYG would report further progress and make recommendations on the issue in June, France reiterated that a permanent solution to the issue depends on border delineation between Syria and Lebanon. Belgium and Italy expressed sentiments similar to those of France. Panama, in a very unhelpful intervention, said it was concerned about the Sheba'a issue and asked why the UNSC was insisting that the cartographic process and border delineation must be completed before the UN assumes temporary trusteeship over the area. Other delegations, including Qatar, did not mention Sheba'a at all.

#### Arms Transfers Generate Concern & Skepticism

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¶19. (SBU) While Italy, Belgium, and Slovakia joined the P-3 in expressing concern about mounting reports of illegal arms transfers across the Syrian-Lebanese border, several other delegations reacted to these reports with considerable skepticism. Leading the way, Russian PR Churkin emphasized that reports of these "so-called" external arms transfers

include "no reliable information" and are "not substantiated." This is a "very sensitive" issue which the Council ought to treat "very carefully." Churkin added that other groups in Lebanon, not just Hizballah, have been accused of re-arming and that all such re-armament violates UNSCR 1559. South Africa said it was concerned about "unsubstantiated reports" of arms smuggling, but asked the SYG about a statement by UNIFIL that it could not verify that these arms transfers were actually occurring. Indonesia referred to "conflicting claims" of arms transfers, which it said could be a violation of 1701. Neither Qatar nor China mentioned reports of arms smuggling at all.

#### Overflights and Cluster Bombs Controversial

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¶10. (SBU) Continuing a long-running dynamic in the UNSC on Lebanon, several delegations called on Israel to cease its overflights of Lebanese territory and to cooperate with the UN and the GOL on the disposal of unexploded ordnance in south Lebanon. Russia, Qatar, South Africa, Indonesia, Italy, Congo, Ghana, and Peru joined France in insisting that Israel must stop overflying Lebanese territory. Indonesia called the overflights & provocative,<sup>8</sup> rejected "any linkage between overflights and the arms embargo," and emphasized that the Council had not given Israel a mandate to monitor and enforce compliance with UNSCR 1701. Decrying Israel's "indiscriminate" use of cluster bombs in south Lebanon, South Africa demanded that Israel compensate Lebanon and provide maps of the locations of these bombs. Congo argued that the UNSC "must not target one country and protect another" when implementing UNSCR 1701.

#### Support for Border Mission, But Russia Opposed

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¶11. (SBU) Most delegations, with the exception of Russia, either supported or remained silent on the SYG's idea for an independent mission to assess the monitoring of the Syrian-Lebanese border. Belgium, Italy, Slovakia, and Peru joined the P-3 in strongly supporting the SYG's proposal. China said the SC should give the SYG's idea "serious consideration." Indonesia expressed support for the independent mission, but asked for more information about its proposed terms of reference. Russian PR Churkin, however, called the mission "premature" and argued that it "could exacerbate a very difficult situation in Lebanon." Noting that the GOL was working to secure the border and that the LAF Commander had said he had "no reliable information" about arms smuggling into Lebanon, Churkin maintained there was no need for an assessment mission now. What was needed was more assistance to the LAF. Moreover, the GOL had not pronounced itself on this mission, and the SC should await a "direct request from the Lebanese before acting." Qatar did not address the issue of the independent mission in its remarks.

#### Some Ominous Signs on Chapter VII for Tribunal

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¶12. (SBU) While most delegations focused on UNSCR 1701 implementation and did not mention the tribunal issue explicitly, a few used the debate to send clear signals that the court should be created only through Lebanese constitutional means. Drawing from ref A points, Ambassador

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Wolff decried the continued closure of the Lebanese Parliament, which prevents the parliament from fulfilling its legislative responsibilities. France welcomed the SYG's efforts to establish the tribunal, which must remain the "common objective" of the UNSC and Lebanon. Russia, however, said its "main priority" for Lebanon is to ensure national concord, which can "only be achieved through dialogue between the two hostile camps." There is "no other way" for the Lebanese to resolve their differences except through "a consensus and compromise solution." Any action by the

international community, Churkin continued, "should bring the parties together, not drive them apart." This being the case, he said, the Lebanese should work out a consensus on the tribunal.

¶13. (SBU) China, calling on all Lebanese factions to "remain calm and settle their differences through dialogue," maintained that the UNSC had to be "very prudent" on Lebanon.

Qatar added that the UN and the Arab League had agreed that the tribunal "must be set up only on the basis of a Lebanese consensus and Lebanese constitutional means." Panama argued that the fragile situation in Lebanon "requires a Lebanese Government that is representative and inclusive of all parties," implying that the current government is not. On the tribunal, the Panamanian PR asked if the UNSC is doing everything it can to encourage the Lebanese political process to succeed, possibly implying that the current whispers of a Chapter VII resolution on the tribunal are hindering the search for a consensual solution in Lebanon.

WOLFF